



#12

UNITED STATES PATENT & TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL
PROPERTY AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

PATENT & TRADEMARK OFFICE
MAILED

AUG - 8 2002

LICENSING & REVIEW

Timothy E. Nauman Esq
Fay, Sharpe, Fagan
Minnich & McKee, LLP
Cleveland, OH 44114-2516

In re Application of:
Seema Garde et al:
For Serial No. 09/977,406

DECISION ON
REQUEST FOR
RECONSIDERATION

Filed: October 15, 2001

For: **PHARMACEUTICAL PREPARATIONS AND METHODS FOR INHIBITING
TUMORS**


This is a decision on the REQUEST FOR RECONSIDERATION filed May 14, 2002,
responding to the communication (FORM PTOL-456) mailed February 4, 2002.

The request has been **DENIED** to the extent indicated below.

42 U.S.C. 2182 states in part "... useful in the production **or utilization of special nuclear material or atomic energy**". A review of the application file history reveals among other things the use of a radioactive isotope "³H" as disclosed in at least page 53 of the instant specification. Therefore under the directions from the Department of Energy (DOE) this application has been made available to them under 42 U.S.C. 2182 since the following subject matter relates to at least one of the following:

- G. Materials, apparatus and methods concerning isotope and/or radioactive source technology including those utilizing (including responsive to) radioactive sources in:
 - a. Life Sciences such as medicine (diagnostic and therapeutic), ecology, disease and pest control, animal husbandry, etc.
 - b. Industrial processes such as food processing, sterilization, polymer production, etc.
 - c. Investigations of the environment or the earth
- H. Instruments employing a radioactive source and/or radioactivity detector in the operation thereof.

Applicant is reminded that a response is due within forty-five days of the mailing date of the communication (FORM PTOL-456). The communication having been mailed February 4, 2002.


Joanne P. Hodge
Supervisory Legal Instruments Examiner
Licensing and Review
Patent Technology Center 3600